

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. UNDERWRITERS INSURANCE COMPANY,

Plaintiff,

-against-

MEL-MAR REALTY CORP., FRANK RIVERA,
MECHANICAL HEATING SUPPLY, INC.,
JOSE AMADEO ZELAYA and MARIA ZELAYA,

Defendants.
-----X

CIV: 07 CIV 8690

Judge Sweet

**ANSWER TO
COUNTERCLAIMS**

Plaintiff, U.S. UNDERWRITERS INSURANCE COMPANY ("U.S. UNDERWRITERS"), by its attorneys, MIRANDA SOKOLOFF SAMBURSKY SLONE VERVENIOTIS LLP, hereby answers the counterclaims of defendants MEL-MAR REALTY CORP., FRANK RIVERA and MECHANICAL HEATING SUPPLY, INC., upon information and belief, as follows:

1. Denies the allegations set forth in paragraph "11" of defendants' counterclaims as to the plaintiff.
2. Denies the allegations set forth in paragraph "12" of defendants' counterclaims as to the plaintiff.

WHEREFORE, plaintiff U.S. UNDERWRITERS INSURANCE COMPANY prays that judgment be made and entered herein:

(a) declaring that plaintiff is not obligated to defend and/or indemnify MEL-MAR REALTY CORP. under U.S. UNDERWRITERS liability policy number CL 3093589, with respect to the claims in the Underlying Personal Injury Action; and

(b) declaring that plaintiff is not obligated to defend and/or indemnify FRANK RIVERA, MECHANICAL HEATING SUPPLY, INC., JOSE AMADEO ZELAYA AND MARIA ZELAYA under U.S. UNDERWRITERS' liability policy number CL 3093589; and

(c) granting to plaintiff such other and further relief as to this Court may deem just, proper, and equitable under the circumstances, together with the costs and disbursements of this action.

DATED: Mineola, New York
December 24, 2007

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Attorneys for Plaintiff
**U.S. UNDERWRITERS
INSURANCE COMPANY**

By: 

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